

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

**GARDEN CITY BOXING CLUB, INC.,**  
as Broadcast Licensee of the November 27, 2004  
Barerra/Morales, Program,

Plaintiff,

-against-

EMELINDA ROSARIO, Individually, and as  
officer, director, shareholder and/or principal of  
DELICIAS DE ACAPULCO CORP. d/b/a  
DELICIAS DE ACAPULCO REST., and  
DELICIAS DE ACAPULCO CORP. d/b/a  
DELICIAS DE ACAPULCO REST.,

Defendants.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ FEB 6 2006 ★

**BROOKLYN OFFICE**

**DEFAULT JUDGMENT**

Civil Action No. CV-05-3709-JG-SMG  
Honorable John Gleeson

The Summons and Complaint in this action having been duly served upon the  
Defendants, **EMELINDA ROSARIO, Individually, and as officer, director, shareholder  
and/or principal of DELICIAS DE ACAPULCO CORP. d/b/a DELICIAS DE  
ACAPULCO REST., and DELICIAS DE ACAPULCO CORP. d/b/a DELICIAS DE  
ACAPULCO REST.,** on August 23, 2005, and said Defendants having failed to plead or  
otherwise appear in this action,

**NOW**, on motion of JULIE COHEN LONSTEIN, of counsel to LONSTEIN LAW  
OFFICE P.C., attorneys for the Plaintiff, it is hereby

**ORDERED, ADJUDGED AND DECREED** that Defendant, any of his servants,  
employees, agents, persons acting in concert with him or acting on his behalf are hereby  
permanently enjoined and restrained from engaging in the unauthorized reception and  
interception, whether by air or cable, of Plaintiff's programming, signals or services, or in aiding  
and abetting any such acts, and are hereby permanently enjoined and restrained from connecting  
to, attaching, splicing into, tampering with or in any way using Plaintiff's cable wiring without  
Plaintiff's authorization, and are hereby permanently enjoined and restrained from  
manufacturing, selling, purchasing, obtaining, using, or possessing any device or equipment

capable of unscrambling, intercepting, receiving, decoding, transmitting, providing, or making available all or part of Plaintiff's programming or services without Plaintiff's express authorization, it is further,

**ORDERED AND ADJUDGED** that Garden City Boxing Club, Inc., the Plaintiff, does recover jointly and severally of, **EMELINDA ROSARIO, Individually, and**

- 1) under 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) costs and Attorney fees of EIGHT HUNDRED TWELVE DOLLARS AND FIFTY CENTS (\$812.50)

~~and it is further~~

~~**ORDERED AND ADJUDGED** that Garden City Boxing Club, Inc., the Plaintiff, does recover jointly and severally of **DELICIAS DE ACAPULCO CORP. d/b/a DELICIAS DE ACAPULCO REST.,** an amount to be determined by the assigned~~

- mag. judge, to whom the matter is referred for an R+A.*
- 1) under 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
  - 2) and under 605(e)(3)(C)(ii) a sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for increased damages for Defendant's willful violation of 605(a)
  - 3) and under 605(e)(3)(B)(iii) costs and Attorney fees of EIGHT HUNDRED TWELVE DOLLARS AND FIFTY CENTS (\$812.50)

~~and it is further~~

~~**ORDERED AND ADJUDGED** that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, there is no just reason for delay in this Default Judgment as the interest of justice require the issuance of judgment as requested without further delay.~~

Dated: JAN 30, 2006

s/John Gleeson

**HONORABLE JOHN GLEESON**  
United States District Judge